



State of Wisconsin
2015 - 2016 LEGISLATURE

LRB-4593/1
MED:klm

2015 SENATE BILL 731

February 11, 2016 – Introduced by Senators VINEHOUT, RINGHAND, C. LARSON and HARRIS DODD, cosponsored by Representatives BARCA, KAHL, KOLSTE, DOYLE, OHNSTAD, BERCEAU, YOUNG, SHANKLAND, CONSIDINE, SPREITZER, SINICKI and POPE. Referred to Committee on Government Operations and Consumer Protection.

1 **AN ACT** *to create* 16.61 (14) of the statutes; **relating to:** destroying public
2 records and providing a penalty.

Analysis by the Legislative Reference Bureau

This bill provides that any person who arbitrarily and capriciously disposes of or destroys a public record prior to the date the record may be disposed of or destroyed as provided under the public records retention law may be required to forfeit not more than \$1,000. The public records retention law prohibits public records of a state agency from being disposed of without the written approval of the Public Records Board and also allows the board to establish retention periods for records of counties, cities, towns, villages, and certain other local governments.

For further information see the ***state and local*** fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

3 **SECTION 1.** 16.61 (14) of the statutes is created to read:
4 16.61 (14) **PENALTY.** Any person who arbitrarily and capriciously disposes of
5 or destroys a public record prior to the date the record may be disposed of or destroyed
6 as provided under this section may be required to forfeit not more than \$1,000.

SENATE BILL 731**SECTION 1**

1 Forfeitures under this section shall be enforced by action on behalf of the state by the
2 attorney general or by the district attorney of any county where a violation occurs.
3 In actions brought by the attorney general, the court shall award any forfeiture
4 recovered together with reasonable costs to the state; and in actions brought by the
5 district attorney, the court shall award any forfeiture recovered together with
6 reasonable costs to the county.

7 (END)